a result which clearly cannot be supported. It would seem, therefore, that the boundary dispute is not a question of territorial waters, but turns simply on the proper construction of the treaty as a document.

The writer also suggests that the claim of the United States is inconsistent with its assumption of sovereignty over Delaware Bay, Chesapeake Bay, and similar bodies of water whose breadth is greater than six miles. But this jurisdiction seems to involve principles different from those governing the boundary dispute, since it is essentially a question of territorial waters. The propriety of the jurisdiction is not discussed by Mr. Hodgins, and it is now hardly open to question. That it is claimed and exercised is well settled. *The Grange*, 1 Op. Attys. Gen. 32; *Stetson* v. *United States*, 32 Albany L. J. 484. While it has frequently been suggested that waters beyond the three mile limit may be territorial, the principle underlying the doctrine and the extent of its proper application have apparently never been indicated. See 1 KENT COM. 26–31. That wide claims over the open sea cannot be upheld was shown by the award in the Behring Sea Arbitration. See 27 Am. L. Rev. 703. But an inlet or arm of the sea, even if more than six miles wide, which lies fairly within the general contour of a coast, seems to be recognized by international law as subject to the same sovereignty as that coast. *Reg.* v. *Cunningham*, Bell's Cr. Cas. 72. See 2 Documents of Halifax Commission, 1899–1906. This doctrine seems naturally suggested by the geographical outline of such a coast. It is also supported by reasons of expediency; for sovereignty over these inlets is essential to the security of the nation which controls the coast; they also lie so far within the power of that nation that in many cases it would be difficult to dispute its authority. The latter reason seems somewhat analogous to that which originally determined the three mile limit, namely, that at no greater distance could control be exercised, three miles then being the extent of effective cannon range. HALL, INTERNAT. LAW, 4th ed., 160.

THE EMPLOYERS' LIABILITY ACTS AND THE ASSUMPTION OF RISKS, in New York, Massachusetts, Indiana, Alabama, Colorado, and England. By Frank F. Dresser. St. Paul: Keefe-Davidson Company. 1902. pp. xii, 881. 8vo.

The past fifteen years have witnessed rapid and substantial development in this topic of the law, so that to-day in those jurisdictions which have enacted employers' liability acts, they form the basis, in whole or in part, of a very large proportion of all tort actions. As all the acts are in the main uniform, the interests of the business community manifestly demand their consistent interpretation and application. A work, therefore, like the present, which aims to ascertain and systematize the complicated results of the mass of recent cases on the subject, performs a most important service.

The author first treats of the character, purpose, and scope of these statutes, giving special attention to their effect in increasing the employer's liability at common law. This common law liability is clearly and concisely stated, and the direction and limits of its statutory extensions are plainly indicated. After a brief consideration of the questions of parties and damages, Mr. Dresser discusses with thoroughness and detail the grounds and conditions of liability established by the acts, analyzing certain principles and interpretations which have now become firmly settled, and dealing fully with many of the rather perplexing questions that frequently arise.

The latter half of the book consists of an excellent discussion of the doctrine of assumption of risk, as it is applied both at common law and under the acts. Here the too frequently neglected distinction between that assumption of risk which arises out of the relation of master and servant and the wider doctrine of *volenti non fit injuria* is carefully preserved. The former doctrine is also of comparatively recent development, and this treatment of it in the light of late decisions will prove of considerable value.

Unfortunately the author not infrequently weakens the force of his thought by stating principles in old, inaccurate, and stereotyped forms. Thus the duty of the employer to provide safe appliances, the servant's right to insist on such appliances, and his obligation to assume the risks incidental to the business, are referred to as contractual. Yet they exist entirely apart from any *animus contrahendi*, and no one would ever attempt to enforce them by the machinery of the law of contracts. They are merely correlative rights and duties pertaining to the relation of master and servant, whether that relation is created by contract or not. Similar loose statements are occasionally met with in other parts of the volume. But in spite of these minor blemishes the book is an excellent production, and will prove of great service to the average practitioner. An appendix containing the language of the different acts, a most comprehensive index, and valuable collections of cases on all points throughout the volume, add greatly to its usefulness. W. H. H.

OUTLINES OF CRIMINAL LAW. By Courtney Stanhope Kenny. Cambridge (Eng.): The University Press. New York: The MacMillan Company. 1902. pp. xxii. 528. 8vo.

In this volume, divided into four parts, Professor Kenny offers the substance of a course of lectures which he has given at Cambridge University for the past twenty-five years. The first part discusses the elementary principles of Criminal Law, embracing chapters on such general subjects as the Purpose of Punishment, Intent, Exemptions from Responsibility, and Inchoate Crimes. The second is more specific in its nature and deals with particular offences, defining the more important common law crimes and presenting an analytic study of the essential elements of each. The third and fourth parts, somewhat shorter than the others, are concerned with matters of evidence and criminal procedure respectively. An interesting chapter on "The Problems of Punishment" is included, the subject being treated from the standpoint of the sociologist. The concluding chapter suggestively forecasts some possible reforms in the criminal law of England and in its administration.

To those not far advanced in the study of legal topics the book will prove to be of much value, and to them it may be heartily recommended for its clear presentation of the fundamental principles of criminal law. It is not and does not assume to be an exhaustive treatise, but is rather professedly and really an "elementary manual," covering only the main points of each subject, but treating them in a style admirably simple and compact. The propositions laid down are not discussed in the abstract alone, but are abundantly illustrated by concrete cases from the reports.

The work is for the most part free from inaccuracies. In rare instances, however, one feels that the reasoning of courts has been too unhesitatingly accepted. An example of this is perhaps to be seen in the apparent lack of discrimination in the treatment of necessity as a ground for exemption from responsibility.

The American reader will find the small portion of the volume dealing with procedure of little importance, since the author confines his discussion principally to the practice of the English courts. On disputed questions of law, too, the English decisions are generally stated to the exclusion of the American. But in the broad, elementary view taken by the author these differences are comparatively few and minor, and serve only to emphasize a more general agreement. While it is probably true that the book is not entitled to the highest rank as a volume of reference, it will nevertheless repay careful study by the beginner and occasional examination by the lawyer. It deserves cordial recognition.